

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-5, 7-13, and 15-22 are presently pending in this case. Claims 1, 10-13, 15-18, and 22 are amended by the present amendment. As amended Claims 1, 10-13, 15-18, and 22 are supported by the original disclosure,¹ no new matter is added.

In the outstanding Official Action, Claims 1, 10-13, 15-17, and 22 were objected to; Claims 1, 2, 10, 11, and 18 were rejected under 35 U.S.C. §103(a) as unpatentable over Hamasaki et al. (U.S. Patent Application Publication No. 20020065665, hereinafter “Hamasaki”) in view of Yoshida (U.S. Patent No. 5,630,111); Claim 3 was rejected under 35 U.S.C. §103(a) as unpatentable over Hamasaki in view of Yoshida and further in view of Liu et al. (U.S. Patent No. 7,266,132, hereinafter “Liu”); Claims 4, 12, and 21 were rejected under 35 U.S.C. §103(a) as unpatentable over Hamasaki in view of Yoshida and further in view of Jiyunsaku (Japanese Patent Application Publication No. 2001243705) and Shinichi (Japanese Patent Application Publication No. 11-312364); Claims 5, 13, and 22 were rejected under 35 U.S.C. §103(a) as unpatentable over Hamasaki in view of Yoshida and further in view of Jiyunsaku; Claims 7, 9, and 15 were rejected under 35 U.S.C. §103(a) as unpatentable over Hamasaki in view of Yoshida and further in view of Simon et al. (U.S. Patent No. 4,918,523, hereinafter “Simon”); Claims 8 and 16 were rejected under 35 U.S.C. §103(a) as unpatentable over Hamasaki in view of Yoshida and further in view of Simon and Jiyunsaku; and Claim 17 was rejected under 35 U.S.C. §103(a) as unpatentable over Hamasaki in view of Yoshida and further in view of Liu and Simon.

¹See, e.g., the specification at paragraphs 143-147 of the publication.

With regard to the objection to Claims 1, 10-13, 15-17, and 22, Claims 1, 10-13, 15-17, and 22 are amended to correct the noted informalities. Accordingly, the objection to Claims 1, 10-13, 15-17, and 22 is believed to be overcome.

With regard to the rejection of Claims 1, 10, and 18 as unpatentable over Hamasaki in view of Yoshida, that rejection is respectfully traversed.

Amended Claim 1 recites in part:

storage means where decoded data obtained on said processing of decoding are written and transiently stored, said storage means including at least one transient storage area and data capacity changing means for changing the data capacity of said transient storage area depending on a total length of reproducing time for said unit data such that when the total length of reproducing time is greater or equal to a threshold duration, the data capacity is set to a first value and when the total length of reproducing time is *less* than the threshold duration the data capacity is set to a second value *greater* than the first value.

The outstanding Office Action conceded that Hamasaki did not teach or suggest this subject matter, and cited Yoshida as describing this feature.² Yoshida describes a system that *increases* the size of the buffer as an expected reproduction time of audio data increases such that the buffer size is proportional to the expected reproduction time. In contrast, the claimed invention sets a data capacity to a first value when the total length of reproducing time is greater or equal to a threshold duration, and sets the data capacity to a second value *greater* than the first value when the total length of reproduction time is *less* than the threshold duration. Thus, the data capacity is greater for reproduction times smaller than the threshold duration. Therefore, it is respectfully submitted that Yoshida does not teach or suggest “storage means” as defined in amended Claim 1. Further, modifying Yoshida to create the claimed invention would be contrary to the teachings of Yoshida, and thus there would be no

²See the outstanding Office Action at pages 5-6.

suggestion or motivation to make such a modification. Consequently, Claim 1 (and Claims 2-5 and 7-9 dependent therefrom) is patentable over Hamasaki in view of Yoshida.

Amended Claim 10 recites in part

changing a data capacity of at least one transient storage area depending on a total length of reproducing time for said unit data such that when the total length of reproducing time is greater or equal to a threshold duration, the data capacity is set to a first value and when the total length of reproducing time is *less* than the threshold duration the data capacity is set to a second value *greater* than the first value.

As noted above, Yoshida describes a system that *increases* the size of the buffer as an expected reproduction time of audio data increases such that the buffer size is proportional to the expected reproduction time. In contrast, the claimed invention sets a data capacity to a first value when the total length of reproducing time is greater or equal to a threshold duration, and sets the data capacity to a second value *greater* than the first value when the total length of reproduction time is *less* than the threshold duration. Thus, the data capacity is greater for reproduction times less than the threshold duration. Thus, it is respectfully submitted that Yoshida does not teach or suggest “changing a data capacity” as defined in amended Claim 10. Consequently, Claim 10 (and Claims 11-13 and 15-17 dependent therefrom) is also patentable over Hamasaki in view of Yoshida.

Amended Claim 18 recites in part:

a storage unit configured to receive and transiently store decoded data decoded by the decoder, said storage unit including at least one transient storage area and a data capacity changing unit configured to change a data capacity of said transient storage area depending on a total length of reproducing time for said unit data such that when the total length of reproducing time is greater or equal to a threshold duration, the data capacity is set to a first value and when the total length of reproducing time is *less* than the threshold duration the data capacity is set to a second value *greater* than the first value.

As noted above, Yoshida describes a system that *increases* the size of the buffer as an expected reproduction time of audio data increases such that the buffer size is proportional to the expected reproduction time. In contrast, the claimed storage unit sets a data capacity to a first value when the total length of reproducing time is greater or equal to a threshold duration, and sets the data capacity to a second value *greater* than the first value when the total length of reproduction time is *less* than the threshold duration. Thus, the data capacity is greater for reproduction times less than the threshold duration. Thus, it is respectfully submitted that Yoshida does not teach or suggest “a storage unit” as defined in amended Claim 18. Consequently, amended Claim 18 (and Claims 19-22 dependent therefrom) is patentable over Hamasaki in view of Yoshida.

With regard to the rejection of Claim 3 as unpatentable over Hamasaki in view of Yoshida and further in view of Liu, it is noted that Claim 3 is dependent from Claim 1, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Liu does not cure any of the above-noted deficiencies of Hamasaki and Yoshida. Accordingly, it is respectfully submitted that Claim 3 is patentable over Hamasaki in view of Yoshida and further in view of Liu.

With regard to the rejection of Claims 4, 12, and 21 as unpatentable over Hamasaki in view of Yoshida and further in view of Jiyunsaku and Shinichi, it is noted that Claims 4, 12, and 21 are dependent from Claims 1, 10, and 18, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Jiyunsaku and Shinichi do not cure any of the above-noted deficiencies of Hamasaki and Yoshida. Accordingly, it is respectfully submitted that Claims 4, 12, and 21 are patentable over Hamasaki in view of Yoshida and further in view of Jiyunsaku and Shinichi.

With regard to the rejection of Claims 5, 13, and 22 as unpatentable over Hamasaki in view of Yoshida and further in view of Jiyunsaku, it is noted that Claims 5, 13, and 22 are

dependent from Claims 1, 10, and 18, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Jiyunsaku does not cure any of the above-noted deficiencies of Hamasaki and Yoshida. Accordingly, it is respectfully submitted that Claims 5, 13, and 22 are patentable over Hamasaki in view of Yoshida and further in view of Jiyunsaku.

With regard to the rejection of Claims 7, 9, and 15 as unpatentable over Hamasaki in view of Yoshida and further in view of Simon, it is noted that Claims 7, 9, and 15 are dependent from Claims 1 and 10, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Simon does not cure any of the above-noted deficiencies of Hamasaki and Yoshida. Accordingly, it is respectfully submitted that Claims 7, 9, and 15 are patentable over Hamasaki in view of Yoshida and further in view of Simon.

With regard to the rejection of Claims 8 and 16 as unpatentable over Hamasaki in view of Yoshida and further in view of Simon and Jiyunsaku, it is noted that Claims 8 and 16 are dependent from Claims 1 and 10, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Simon and Jiyunsaku do not cure any of the above-noted deficiencies of Hamasaki and Yoshida. Accordingly, it is respectfully submitted that Claims 8 and 16 are patentable over Hamasaki in view of Yoshida and further in view of Simon and Jiyunsaku.

With regard to the rejection of Claim 17 as unpatentable over Hamasaki in view of Yoshida and further in view of Liu and Simon, it is noted that Claim 17 is dependent from Claim 10, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Liu and Simon do not cure any of the above-noted deficiencies of Hamasaki and Yoshida. Accordingly, it is respectfully submitted that Claim 17 is patentable over Hamasaki in view of Yoshida and further in view of Liu and Simon.

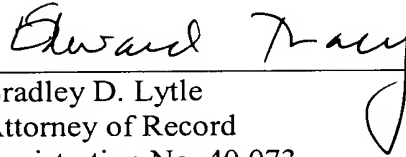
Application No. 10/553,077
Reply to Office Action of March 25, 2009

Accordingly, the pending claims are believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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A handwritten signature in cursive script, reading "Edward Tracy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the typed name.

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